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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN HAMILTON and LOIS HAMILTON, CASE NO. D. Or. 09-cv-01094-SU

Plaintiffs,

v.

SILVEN, SCHMEITS AND VAUGHAN, P.C.,
and ALAN J. SCHMEITS,

Defendants.

DECLARATION OF LOIS
HAMILTON IN RESPONSE TO
SUMMARY JUDGMENT REGARDING
EXHIBITS

1. I am one of the plaintiffs in this case, and I make this declaration in support of Plaintiffs' Response to Motion for Summary Judgment. I make the statements in this declaration based upon my personal knowledge. I am competent to testify to the matters stated herein.

2. Exhibits I, R, and X which are attached to Ms. Dugan's declaration are supported by this declaration as well, and I incorporate them herein by reference.

3. Exhibit I is photos which accurately depict my and my husband's property at 2520 Myrtle Street in Baker City, Oregon, in the summer of 2006. They show our garden plants dying after pesticide spraying by Mr. Elms, and the die-off was measured as much as 15 feet away from Mr. Elms' fence.

4. Exhibit R is the recent pathology report diagnosing me with non-Hodgkin's

lymphoma. I obtained a copy of the report and gave it to my attorney.

5. Exhibit X is a packet of deeds and related documents showing the chain of title for 2520 Myrtle Street in Baker City, Oregon, and I obtained those documents from public records and provided them to my attorney as well as using them in the prior case against Mr. Elms.

6. Contrary to Elms' assertions, the garage is not on skids and we never moved it. It has sunken down into the ground through the years.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 3, 2011.

/s/ Lois Hamilton
Lois Hamilton